



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278

May 5, 2025

BY ECF

The Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Roger Mercedes, 23 Cr. 336 (JHR)*

Dear Judge Rearden:

Defendant's bail conditions under the Bail Reform Act are the same as his supervised release conditions, including a curfew and location-based monitoring as directed by the United States Probation Office. Defendant will continue to be supervised by Probation.

The Clerk of Court is directed to terminate ECF No. 34.

SO ORDERED.

Jennifer H. Rearden
Jennifer H. Rearden, U.S.D.J.
Dated: May 6, 2025

The Government respectfully writes to request clarification of the defendant's bail conditions in this case. On January 23, 2025, the parties had an initial appearance on the pending violation of supervised release ("VOSR") at which the defendant was arraigned, and the Court modified the defendant's conditions of supervised release to include a curfew. (*See* Jan. 23, 2025 Minute Entry). On April 28, 2025, following the VOSR hearing in this matter, the Court stated, "I will release Mr. Mercedes under the same conditions that he is under with probation, including the curfew and location-based monitoring at probation's discretion." (Apr. 28, 2025 Tr. 53:25 – 54:2).


On Saturday, May 3, 2025, the defendant's term of supervised release expired. The Court nevertheless retains jurisdiction over the VOSR, *see* 18 U.S.C. § 3583(i), but unless and until the defendant's now-expired term of supervised release is revoked and a new term of supervised release is imposed, the defendant is not subject to the terms of supervised release. The defendant is, however, subject to conditions of release pending the adjudication of the VOSR under the Bail Reform Act. *See* Fed. R. Crim. Pro. 32.1(a)(6); 18 U.S.C. § 3143(a)(1). The Government believes that the Court has already released the defendant on bail pursuant to the Bail Reform Act under the same conditions he was subject to while on supervised release, including with a curfew and location-based monitoring as directed by Probation. In an abundance of caution, however, now that the defendant's term of supervised release has expired, the Government respectfully requests that the Court explicitly order his prior supervised release conditions to be his bail conditions during the pendency of the VOSR. The defense consents to this request. The Government

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understands that while on bail in this case, the defendant will continue to be supervised by the United States Probation Office.

Respectfully submitted,

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cc: Jonathan Marvinny, counsel to Roger Mercedes (by ECF)
United States Probation Officer Alexandria Hirsch (by email)